

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

**SHARILYNE McDONOUGH AND  
MICHAEL McDONOUGH,**

**PLAINTIFFS**

**v.**

**PORTLAND POLICE DEPARTMENT,  
ET AL.,**

**DEFENDANTS**

**CIVIL No. 2:16-cv-579-DBH**

**ORDER OF DISMISSAL**

According to Fed. R. Civ. P. 25(a)(1), “If the motion [for substitution] is not made within 90 days after service of a statement noting the death [of a party], the action . . . against the decedent must be dismissed.” In this case, a Statement of Death of the defendant John McDonough was electronically filed with the Court on April 14, 2017, and accordingly resulted in electronic service on all the remaining parties. Since no motion for substitution has been filed and more than 90 days have elapsed, the action against the defendant decedent John McDonough is hereby **DISMISSED**.

**SO ORDERED.**

**DATED THIS 14<sup>TH</sup> DAY OF JULY, 2017**

/s/D. BROCK HORNBY

**D. BROCK HORNBY  
UNITED STATES DISTRICT JUDGE**